APPROBATIO.

HIC Commentarius R. D. AVBERTI MIRÆI, S. Th. Licentiati, & Canonici Antuerpiensis, *De bello Bohemico sub Ferdinando II. Romanorum Imperatore*, quia & veritatis enarratione & stili elegantia eximius, meritò typis mandabitur. Datum Bruxellis 27. Augusti 1621.

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DE

Non temerandis

ECCLESIIS.

A TRACT, OF THE RIGHTS & RESPECT due vnto CHVRCHES.

Written to a Gentle-man, who hauing an Appropriate Parſonage, imployed the Church to prophane vſes, and left the Pariſhioners vncertainlie prouided of diuine Seruice, in a Pariſh neere there adjoyning.

By Sir HENRY SPELMAN, Knight.

EDINBVRGH,
Printed by ANDRO HART, 1616.

DEO
&
ECCLESIÆ.

ACT. 28. 24.

Some were perſwaded with the things that were ſpoken, and ſome beleeved not.

TO THE RIGHT REVE-RENED FATHERS and Brethren, the Biſhops and Miniſters of the CHVRCH of SCOTLAND.

I HAVE cauſed this little TREATISE (Right Reuerend and Beloued in the LORD IESVS) to be printed againe in North BRITANE, for many cauſes: Firſt, becauſe I was informed, that there came foorth but a fewe Copies at the firſt

printing thereof in South BRITANE: Againe, I hope, this doing will incite that worthie KNIGHT, the Author therof, quicklier to send out the greater worke which hee promises of that same Argument: But principallie to incite You, whom those matters doe most neerelie concerne, to looke into them more aduisedlie than as yet yee haue done. It was a priuate occasion, as that Worshipfull Gentleman sheweth, that ledde him to this Writing. You haue a publike, wherewith it is pitie you are so little mooued. Who seeth not th'estate of the CHURCH of SCOTLAND, as concerning the Patrimonie, to goe dayhe from worse to worse? Sacriledge and simony haue so preuailed, that it beginneth to bee doubted of many, whether there bee anie such sinnes forbidden by GOD, and condemned in His Word: Neither can you denie the cause of this euill, for the most part, to haue flowed from your selues: your selling and

making

making-away of the Church Rights, without any conſcience: the buying and bartering of Benefices, with your ſhameleſſe & ſlauiſh courting of corrupt patrons, hath made the worlde thinke, that thinges Eccleſiaſticall, are of the nature of Temporall thinges, which may bee done away at your pleaſures. And where at the firſt it was meere worldlyneſſe that led men on theſe courſes: now a great manie to out-face conſcience, and delude all reproofes, they ſtand not to defende, That Landes, Tithes, yea, whatſoeuer belonged to the Church in former Ages, may lawfully bee alienated by you, and poſſeſſed by ſeculars: which opinion muſt either be takē out of the minds of men, or need you not looke to haue theſe wicked facts in this kind reformed. To this ende ſhoulde all Eccleſiaſticke men labour to informe themſelues, as well by the word, as by the writinges of Auncientes, and conſtitutions of Councels, touching the

right and lawfull vſe of Eccleſiaſticall things, that when they are perſwaded themſelues of the trueth, they may the more effectually teach others. There is no impietie againſt which it is more requiſite you ſet your ſelues in this time: for beſides the abounding of this ſinne, and the judgement of God vpon the Land, for the ſame: who doeth not fore-ſee in the continuance of this courſe the aſſured ruine and decaye of true religion?

Of all Perſecutions intended againſt the Church the Iulian was euer helde to be the moſte dangerous: for, *occidere Presbyteros*, is nothing ſo hurtful, as *occidere Presbyterium*: when men are taken away, there is yet hope that others will bee raiſed vp in their places: but if the meanes of maintenance bee taken away, then followeth the decay of the Profeſſion it ſelfe: Men doe not applie themſelues commonlie to callinges for which no rewards are appointed: & ſay that ſome

haue

haue done it in our dayes, ſome out of zeale, and ſome out of hate of contention, yet in after-times, it is not like to cõtinue ſo. Neither let any man tell mee that a Miniſter ſhould haue other endes propoſed to him than worldlie maintenance: I knowe that to bee trueth, yet, as our Lord in the Goſpell, *hæc etiam oportet facere*, ſpeaking of the payment of Tithes to the Phariſee, It behooueth them, ſaieth Hee, to bee payde: If not, it is not to be exſpected that men will follow the calling.

To reſt vpon the beneuolence of people, as it is a beggerlie thing, and not beſeeming the dignitie of the Miniſtrie, ſo the firſt maintainers of that conceite haue founde the charitie of this time ſo colde, that they will not any more ſtand, by their good willes, to this allowance. Therefore, it lieth vpon you to fore-ſee the eſtate of your Church, and either in this point of maintenance to prouide it may bee

competent and assured, else looke not for any thing but ignorance, and baseneſſe, and all miſchiefes, which flowe from theſe, to inuade the whole kingdome. Howe a competencie may bee prouided, except by reſtoring the Church to her right, I doe not ſee: and what this right is, if I ſhoulde ſtand to define and juſtifie it here, I ſhould exceede the bounds of an Epiſtle. Manie of this time haue cleared the point ſufficiently: and if any ſcruple bee remaining, the worthie Author, I hope, will remooue it in the greater worke we exſpect: whoſe judgement and dexteritie in handling the Argumēt, may be perceiued by this his litle Pinnage. It ſhoulde ſhame vs of our calling, to come behind men of his place, either in knowledge or zeale. His example, who is nothing obliged to labour in theſe points, as you are, ſhall do much I truſt, with you, for the time to come. Shoulde any looke carefullier to the Vine-yard, than the keepers: or ſhould any

ny out-goe the ſeruants of the houſe
n diligences? Repent, therefore, and
mende your owne negligence in this
behalfe, and call vpon all others for
amendement, whileſt you haue time.
Thinke it not a light ſinne to ſpoyle
GODS Inheritance: and if we looke
for Heauen, let vs bee faithfull to our
Lord here on earth. I beſeech GOD
to giue vs all wiſedome, and keepe vs
in mind of that ſtrict accompt that we
muſt one day giue for all our doinges,
and chiefelie theſe which concerne
the CHURCH, which is His bo-
die, AMEN.

Your Brother, and fel-
low-labourer in the
Goſpell,

I. S.

THE AVTHOR to the Reader.

LL the vessels of the Kings house are not golde or siluer, or for vses of Honour: Some bee common stuffe, and for meane seruices, yet profitable. Of the first sort, I am sure this TRACT *is not: whether of the other or no, I leaue that to thy iudgement. To deale plainly, My selfe haue no great opinion of it; as finding mine own imperfections, and writing*

writing it only vpon a priuate occaſion, to a priuate friend, without curious obſeruation of Matter, or Methode. But hauing alſo written a greater Worke (much of the ſame Argument) and entending to publiſh, or ſuppreſſe it, as I ſee cauſe: I thought it not vnfit (vpon ſome encouragement) to ſend this foorth (like a Pinneſſe, or Poſte of Aduiſe) to make a diſcouerie of the Coaſt, before I aduenture my greater Ship. If I receiue good aduertiſement, I ſhall grow the bolder: Howſoeuer, take this, I praye thee, as it is: and let my Zeale to the cauſe, excuſe mee, in medling with matters beyond my ſtrength.

HENRY SPELMAN.

A LETTER.
Shewing the occaſion of *this* TREATISE.

To the worſhipfull his moſt louing Vncle, FR. SA. &c.

MY good Uncle, the ſpeaches that paſt caſuallie betweene vs at our laſt parting, haue runne often ſince in my minde, and ſo (perhaps) haue they done in yours. You complained (as GOD would haue it) that you were much croſt, in the building you were in hand with,

with, vpon a piece of gleabe of your Appropriate Parſonage at Congham. I anſwered, that I thought, that GOD was not pleaſed with it, inſomuch as it tẽded to the defrauding of the *Church*, adding (amongſt ſome other wordes) that I helde it vtterly vnlawfull, to keepe *Appropriate Parſonages from the Church, &c.* ——

But our talke proceeding: I perceiued, that as God had alwayes His portion in your heart, ſo in this, though it concerned your profite, you ſeemed tractable. It much rejoyced mee, and therefore, apprehẽding the occaſion, I will be bold to adde a continuance to that happy motiõ: (ſo I truſt, both you & I, ſhall haue cauſe to terme it) & beſides, to giue you ſome tribute of the loue & duety I long haue ought you. Therfore, *good vncle*, as your hart hath happily cõceiued theſe bleſſed ſparks, ſo in the name & bleſſing of God, cheriſh & enflame thẽ. No doubt they are kindled

kindled from Heauen, like the fire of the Altar, and are ſent vnto you from GOD Himſelfe, to bee a light to you in your olde dayes (when your bodilie eyes fayle you) to guide your feete into the way of peace, that is, the way and place from whence they came. So alwayes I praye for you, and reſt,

Your louing and faithfull Nephew,

Weſtmin. Augu. 17. 1613.

HENRY SPELMAN.

DE non temerandis ECCLESIIS.

Of the Rights and Reſpect due vnto the CHVRCH.

INSOMVCH, as the Rights and Dueties that belong to our Chvrches, are in effect contained vnder the name of a Rectorie or Parſonage: I will firſt define, what I conceiue a Rectorie or Parſonage to bee, according to the vſuall forme and maner thereof.

A Rectorie or Parſonage, is a (*a*) *Spirituall Liuing*, compoſed of *Land, Tithe*, and other (*b*) *Oblations* of the people, (*c*) ſepa-

A Rectorie what it is.

a *Plowd. Comment. in quare imp' per Grendon, &c.* b *Oblatio eſt omne quod exhibetur in cultu dei Tho. Aqu.* 22. q. 85. 3. 3. &c. And Vrban in his epiſt. Tom. 1. Concil. And lands are ſo tearmed, Ezec. 45. 1. And tithes, Num. 18 24. So alſo the Canoniſts and Ciuilians expound them, Concil. Aur. cap. 7. Burch. li. 3. ca. 129, & 143. Et Lexi. Iuri, in verb. oblat. c Leu. 27. 28.

rate or dedicate to GOD in anie *Congregation*, for the (*d*) ſeruice of his Church there, and for the maintenance of the *Gouernour* or *Miniſter* therof, to whoſe charge the ſame is committed.

(*d*) Touching diuine worſhippe, and workes of charitie.

By this *definition* it appeareth, that the ordinary liuing or reuennew of a Parſonage, is of three ſortes: The one in Land, commonly called the Glebe: another in Tithe, which is a ſet & regular part of our goods rendred to God: the third, in other offringes and oblations beſtowed vpon God and His Church, by the people, either in ſuch arbitrable proportion as their owne deuotion mooueth them: or as the lawes or cuſtomes of particular places do require them.

Tithes how due.

2 Though I inuert order a litle, I will firſt ſpeake of Tithes, becauſe it is Gods ancient demaine, and the nobler part of this His inheritance, founded primarily, vpon the law of Nature: (as the other be alſo after their maner) For the *Law of Nature* teacheth vs, that God is to be honoured: and that the honour due vnto Him cannot be performed without *Miniſters*, nor the *Miniſters* attende their function without maintenance. And therefore, ſeeing God is the Supreme Lord and poſſeſſour of all, and

Gen. 14.19

and giueth all thinges vnto vs that wee are maintained with, it is our duety, both in point of *Iuſtice* and *Gratuity*, to rẽder ſomething backe againe vnto Him; as acknowledging this His Supremacie and bountie; as honouring Him for His *goodneſſe*; as a teſtimony of the worſhippe, loue and ſeruice wee owe Him; and laſtly, as a meanes whereby theſe dueties and ſeruices may bee performed to Him. This, I ſaye, the verie *Lawe of Nature*, teacheth vs to doe: and this the *Lawe of GOD* requireth alſo at our handes: But what the *ſet* portion of our goods ſhoulde bee, that thus wee ought to render backe vnto GOD, I cannot ſaye the lawe of (*a*) *Nature* hath determined that: But the wiſedome of all the Nations of the Worlde, the practiſe of all Ages, the example of the Patriarches (*b*) *Abraham* and (*c*) *Iaakob*, the (*d*) approbation, and commandement of ALMIGHTIE GOD himſelfe, and the conſtant (*e*) reſolution of His Church vniuerſallie, hath taught and preſcribed vs to render vnto Him the *Tenth part*: and that this *Tenth* part or *Tithe*, beeing thus aſſigned vnto Him, leaueth nowe to bee of the nature of the other *nine partes*, (which are giuen vs for our worldly neceſſities)

a Yet there bee diuerſe naturall reaſons, that commende this number (for this purpoſe) aboue other

b Gē. 14. 20

c Ibi. 28. 22

d Leuit. 27 30. & 32 Deut. 12. 6 & 11 Mal. 3. 10

e Declared by the Fathers and Councels.

ſities) and becommeth as a thing dedicate and appropriate vnto God: For it is ſaid, *Leu.* 27. 30. *All the tythe of the land, both of the ſeede of the ground, and of the fruit of the trees, is the Lordes*: yea, more than ſo, *It is holie vnto the Lord.* And againe (verſe 32.) *Euerie tythe of Bullocke, and Sheepe, and of all that goeth vnder the rodde, the Tenth ſhall bee holie vnto the Lord.* He ſaith, *Holie vnto the Lord*: not that they were like the *ſanctified* thinges of the *Temple*, (which none might touch but the *Annointed Prieſts*) but *holie and ſeparate* from the vſe and injurie of ſecular perſons, and to be diſpoſed onelie, to, and for the peculiar ſeruice and peculiar Seruants of God. And therefore, in the 28. verſe, it is ſaid, to be *ſeparate from the common vſe*, becauſe it is *ſeparate* and ſet apart vnto the *Lord*.

Tithes originallie not Leuiticall.

3 But ſome happilie will ſay, that this vſe of *Tithing* riſes out of the *Leuiticall* law, and ſo ended with it.

(a) Iaakob voweth to giue tithes, Gen 28. 22 And Ioſeph. ſheweth he performeth his vow. *Antiquit. lib. 1. cap. 27.*

I anſwere, that it was receiued and practiſed by *Abraham*, and (*a*) *Iaakob* diuerſe hundreth yeeres before it came to the *Leuites*: For it is ſaid, that *Abraham* gaue *tithe* to *Melchiſedeck* (*Geneſ.* 14. 20.) And that *Leui* himſelfe paide *tithe* alſo in the *loines* of *Abraham*, *Heb.* 7. 9. *Melchiſedeck* was the image of CHRIST, and His Church: *Abraham*, of

ham, of the Congregation of the Faithfull. Therefore, though *Leui* receiued tithes afterward, by a particular grant from God, for the time: yet now he paide them generallie with the congregation, in the loines of *Abraham*, vnto the Priesthood of *Christ*, here personated by *Melchisedeck*: which beeing perpetuall, and an image of this of the *Gospell*, may well note vnto vs, that this duetie of *tithe*, ought also to bee *perpetuall*. And therefore (*b*) *Chrysostome* saieth, that *Abraham herein was* OVR *tutor*: not the *tutor* of the *Iewes*. And insomuch as *Abraham* paide it not to a *Priest* that offered a *Leuiticall sacrifice* of *Bullockes* and *Goates*: but to him that gaue the *Elementes* of the *Sacrament* of the Gospell, (*c*) *bread* and *wine*: it may also well intimate vnto vs, to what kinde of *Priest* wee are to paye our *tithes*: namelie to him that ministreth vnto vs the *Sacrament* of *bread and wine*, which are onelie those of the *Gospell*, and not the *Leuiticall Priests*. So that our *tithe* paide in this kinde, cannot bee saide *Leuiticall*: as also for that the *Leuiticall tithes* were only of things (*d*) renewing and encreasing: whereas *Abraham* and *Iaakob* paide them of *all*: as if they had followed the commandement of the *Apostle*, *Let him that is taught in the*

b Homil. 35 in Genes.

c The Scripture onelie mentioneth Bread and Wine to bee giuē by Melchisedeck to Abram, but Iosephus sheweth, & he gaue him also diuerse other rich gifts. *Antiquit. lib.* 1. *cap.* 18.

d Leuit. 27. 30. & 33

word, make him that hath taught him partaker of (e) ALL. *Galat. 6. 6.*

εἰν πᾶσιν ἀγαθοῖς.

God also requireth this duety of *tithe* by His owne mouth, as of old belonging vnto Him, before the *Leuites* were called to the seruice of the *Tabernacle*, and before they were named in Scripture: For they are not named till *Exod.* 38. 21. And it is said *Exod.* 22. 29. *Thine abundance of thy liquor shalt thou not keepe backe*, meaning *tithes* and *first fruits*: and therefore *Ierome* doubteth not so to trāslate it, *Thy tithes & first fruits shalt thou not keepe back*. And in this maner of speach, the word *keepe back* sheweth that it was a thing *formerly* due vnto *God*, for we cānot say that any thing is *kept back*, or *withholdē*, that was not due before. Therefore we find *no originall* commandement of giuing *Tithe* vnto God: but vpō the first mentioning of them in *Leuiticus*, they are positiuely declared, to bee *His*, as a part of *His* crowne, and auncient *demaine*, for it is there saide, *Chapter* 27. 30. *All the tithe of the Lande is the* LORDES. And MOSES commandeth not the people a newe thing, but declareth the *Right* that of olde belonged to GOD: namelie, that *All the tithes of the Land Was His.*

Other

Other phraſes of Scripture doe confirme this, for afterward when *tithes* came to bee aſſigned to the *Leuites*, GOD doth not ſaye, *The Children of Iſraell ſhall giue their Tithes to the Leuites*: but Hee ſaieth, (*Num.* 18. 21. 24. and 26.) *Beholde, I haue giuen them to the Leuites.* And continuing this His claime vnto them, againſt thoſe that many hundreth yeeres after diſſeiſed Him of them, He complaineth, *Malac.* 3.8, *That they that with-held their tithes from the Leuites, ſpoyled Him himſelfe.*

But, hauing handled this argument more largelie in a greater worke, I will heere cloſe it vp with oppoſing againſt theſe kinde of Aduerſaries, not onelie the reuerende authoritie of thoſe auncient and moſte honourable Pillares of the CHVRCH, SS. (*a*) *Ambroſe*, (*b*) *Auguſtine*, (*c*) *Hierome*, and (*d*) *Chryſoſtome*, (who, though they runne violentlie with Sainct PAVLE againſt ſuch Ceremonies as they conceiued to bee *Leuiticall*, yet when they come to ſpeake of *Tithes*, admitte, maintaine, and commaunde the vſe thereof:) But alſo the reſolution of manie auncient (*e*) Councels, and a multitude of other (*f*) *Fathers* and *Doctours* of the Church in their ſeuerall ages: all of them con-

a *Ambroſ. in Serm. quadra.*
b *Auguſt. in Serm. de temp. 129. & alias.*
c *Hierom. in Malach.* 3
d *Chryſ. in epiſt. ad Hebr. Hom.* 12. *& Hom.* 35. *in Geneſ.*
e *Romã Conc.* 4. *Aurel.* 1 *Tarracon ſub Horm. Mediomatricis, Toletan. Agripp. cap.* 6. *Hiſpal. Montiſcon.* 2. *Valentin. ſub Leone* 4. *Rothoma. ca.* 3 *Cauall. ca.* 18 *Magna. ca.* 10
f Origen, Tertullian, Cyprian, Gregor. &c.

concurring in opinion, that *tithes* belong iuſtlie vnto God: and many of them commanding all men, euen vpon perill of their ſoules, not to withhold them: which argument Saint *Auguſtine* himſelf pathetically maintaineth in a particular Sermon of his to this purpoſe. And though it be a great queſtion among the learned, whether they bee due *in quota parte*, *iure diuino* (which requireth a larger diſcourſe) yet I neuer read of manie that impugned them abſolutely. *Leutardus*, who liued about a thouſand yeeres after Chriſt, taught the paiment of them to be ſuperfluous and idle, and then growing deſperate, drowned himſelfe, as it were, to giue vs a badge of his doctrine.

See this Sermon in the end of this booke.

Glaber. Hiſt. lib. 2. cap. 11

Of Oblations and Offerings.

Vrban. epiſt. circiter, Ann. Chriſti 227.

Conſtantine & Valentinian made lawes, that rich men, who were able to ſupport the charges of the cõmon wealth, ſhoulde not be admitted into religious houſes, becauſe their poſſeſſions and goods were thereby amortized.

4 Touching *Oblations* and *Offerings*. The *Fathers* vnder (*a*) this name accounted all things, that were giuen or dedicated to the ſeruice of GOD. And in the firſt ages of *Chriſtian* religion (after the great Perſecutions) the *Church* by this meanes beganne ſo to abound in riches, that the good Emperours (*b*) themſelues were conſtrained, to make lawes (not vnlike our ſtatutes of *Mortemaine*) to reſtraine the exceſſe thereof, for feare of impouerifhing their *temporall* eſtate. In thoſe dayes, manie *Churches* had *Treaſuries* for keeping theſe oblations (as the

(as the Store-houſes at *Hieruſalem* appointed by (c) *Hezechias*, for the Temple) but the ſucceeding ages, contracted them into *Cheſts*, and in theſe latter times, the *Parſons* poket may well enough containe them. I ſhall not neede, therefore, to ſpende manie wordes in a ſmall matter: for all the *Oblations* nowe in vſe, are in effect the *two-pennie* Eaſter-offerings, and a few other ſuch like: which becauſe the owners of *Appropriate Parſonages* ſhall not ignorantlie conuert vnto their owne benefite: I will ſhewe them, why they were paide, and why they haue them.

c 2. Chron. 31. 11.

Saint *Paule* ordained in the Churches of *Galatia* and *Corinth*, that euerie one vpon the Lords day ſhould yeeld ſomewhat to God for the *Saincts*, 1. *Cor.* 16. 2. But this (being once a weeke) came too thicke and too often about. Therefore in (d) *Tertullians* time the vſe was to doe it monthlie, and (at laſt) at pleaſure. But it was euer the ancient vſe of the Primitiue Church (as appeareth by (e) *Iuſtin* and *Cyprian*) that all that came to the holie *Communion*, did according to their abilities, offer ſomething of their ſubſtance to GOD, for charitable vſes and maintenance of the *Miniſters*. Therefore (f) *Cyprian* ſharply taxeth a rich Matron,

d Tertullian in Apolog.

e Iuſtinius in Apolo. 2 Hiſt. Eccl.

f Serm. 1. de Eleemoſ.

Matron, that receiued the Communion, and offered nothing, *Locuples & diues, & dominicum celebrare te credis, quæ* (g) *Corban omnino non respicis, &c. What?* (saieth hee) *art thou able and rich? and doest thou thinke that thou celebrateſt the LORDS Supper, who bringeſt nothing to the Treaſurie?* So *Irenæus* saith, (h) *That it was the vſe of the Church through the worlde in his time: and receiued from the Apoſtles, to offer ſomething of the bleſſinges that they liued by, as the firſt fruites thereof, to Him that gaue theſe things vnto them.* Which (i) *Zanchius* vnderſtandeth to bee meant of offeringes at the *Communion, giuen to holie vſes, and for reliefe of the poore of the Church*: commending it for an excellent cuſtome, and complaining that it is nowe diſcontinued: But to this ende, and in imitation heereof, are our Eaſter and Communion offeringes (as alſo thoſe, at, and for, Chriſtninges, Burials, &c. which I will not nowe ſpeake further of) at this daye made: and therefore, let *Proprietaries* conſider with what conſcience they can ſwallow and digeſt them.

g He calleth the treaſurie *Corban*, of that at the Temple of Hieruſalem.

h *Noui Teſtamenti nouam docuit* (ſilz. *Chriſtus*) *oblationem: quam Eccleſia ab Apoſtolis accipiens in* univerſo mũdo *offert deo: ei qui alimenta nobis præſtat, primitias ſuorum munerum in nouo Teſtamento.*

i *Vide Zanchium lib. 1. de cultu Dei externo.*

Of Glebe land, and houſes belonging to Parſonages.

5 Touching the *land, glebe*, and *houſes*, belonging to Parſonages (which I woulde haue called, *Gods fixt inheritance*, but that I ſee it is *mooueable*:) I cannot ſay that they

are

are GODS *auncient demaines*, in the ſame forme that *tithes* are, and as our Clergie enjoyeth them: but the warrant and ground thereof, riſeth out of the worde of GOD, who not onelie gaue vs a preſident thereof, when Hee appointed Cities for the *Leuites* to dwell in, with a conuenient circuit of fieldes for the maintenance of their cattell, *Numbers* 35.2. &c. but commanded alſo the Children of *Iſraell* (and in them all the Nations of the worlde,) that in diuiſion of their Land, they ſhould offer an oblation to the LORD, an holie portion of the Lande, for the Prieſtes to dwell on, and to builde the houſe of GOD vpon, *Ezechiell* 45. 1. and 4. So that the houſes and Landes that our Anceſtors haue dedicated to GOD in this maner, for the CHVRCHES and MINISTERS of this time, are nowe alſo His *right* and *juſt inheritance*, as well as thoſe, which the *Iſraelites* aſsigned for the *houſe of GOD*, and *Leuites* of that time: and commeth vpon the ſame reaſon, and in lieu thereof. But becauſe it is vncertaine when, and howe, they were brought into the CHVRCH, I will ſaye ſomething touching that point.

In the time of the Apoſtles the vſe was (as ap-

(as appeareth *Actes* 2.45. and *Actes* 4.34. and 35.) to sell their lands, and bring the money onelie to the Apostles: For the Church beeing then in persecution, and the Apostles not to remaine in anie particular place, but to wander all ouer the worlde, for preaching the Gospell: they could not possesse immoueable inheritances: & therefore receiued only the money they were sold for, distributing it as occasion serued. But after when the Church obtained a little rest, & began to be setled: it (*a*) foūd much casualty in pecuniary cōtributions, & chused therfore rather to retain the lands themselues, giuē for mainteānce of Gods Priestes & Ministers, than (by suffering the same to bee solde) to furnish the time present with aboundance, and leaue the future time to hazard and vncertainty. Hereupon the Fathers in the (*b*) Primitiue Church, as well before *Constantine* (as appeareth by his own Edicts, and by (*c*) *Origen*, (*d*) *Eusebius*, and the epistles of (*e*) *Pius* and (*f*) *Vrban*) as after, beganne to except and retaine the landes, thus giuen, and to

How lands came to the Churches.

a It appeareth by the Epistles of Pius & Vrban, who liued about the yeere of Christ 230. that the Church of Rome had then begun to retaine lands in this maner vpon this reason, and it may well be, for that Origen & Eusebius shewe, that Churches had then possessions.

b *Edicta Constantini & Lucinii Imp.*

Euseb. lib. 10. cap. 5. *c* Origen speaketh of Rentes of the Church, Hom. 31. in Matthæum. *d* Eusebius of an house belonging to the Church of Antioch, that Paulus Samosatenus in the time of Aurelianus the Emperour (about 30. yeeres before Constantine) wrongfullie inuaded. lib. 7. cap. 24 *e* and *f* Reade the note (*a*) next before.

leaue

leaue them ouer to their ſucceſſours, for a perpetuall Dowrie of the Church. And this vpon experience was found to bee ſo godlie & worthie a courſe, that it not onelie receiued the applauſe of all ſucceeding ages, But commendeth for euer vnto vs their temperãce, in deſiring no more than for preſent neceſſitie, their zeale in prouiding for poſterity, & their great wiſedome (or rather, Propheticall ſpirit) which foreſawe ſo long before hand, that, deuotion, though it were at one time hote and feruent, yet, at another it might bee colde enough: and therefore, when time ſerued, they woulde by this meanes prouide, that the *Church* for euer ſhoulde haue of her owne, to maintaine her ſelfe withall. Vpon this enſued many godly prouiſions for endowment of Churches, and for annexing their liuinges ſo vnto them, as neither the variety of time, nor the impiety of man (if it were poſſible) ſhould euer haue diuorced them, as appeareth by a multitude of ancient Councels, Canons, Statutes and Decrees of the (g) *Church*, (h) *Emperours*, and (i) *Princes*, to that purpoſe. Therefore,

g Synod. Roman. ſub Symacho. 103. Epiſcoporum circiter An. Chriſt. 503 tota contra inuaſores Eccleſiarum Concil Aurelianenſ. 4. Anno 543. c. 19. & 34 Conc. Meldenſ. cap. 5. Burch. li. 11 cap. 16. Conc. Gangrenſ. cap. 8 Burch. li. 11 cap. 20. Conc. Mogunt. ca. 36 7. & plurima alia.

h See the 2. Edictes of Conſtãtine & Licinius Empp. Euſeb. lib. 10. cap. 5. And the lawes of Conſtant. Theodoſ. Iuſtin. Carolus Magn. and many other. i To paſſe ouer foraine princes, our owne in former times haue almoſt ſucceſsiuely confirmed them.

whileſt

whileſt the worlde burned ſo with that ſacred fire of deuotion, towardes the aduancement of the glory of God: that euerie man deſired to ſanctifie his hand, in the building of Churches, leſt ſuch holie monumentes for want of due maintenance, ſhould (in proceſſe of time) become, either contemptible, or vnprofitable. It was at length ordained, in (*k*) *Aurelian. Concil. 4. (Ann. 545. cap. 33.* And (*i*) *Concil. Valentin. (Ann. 855.) cap. 9.* That, *whoſoeuer builded a Church, ſhould aſſigne vnto it, a* ‡ *Plough land, furniſhed for the maintenãce of the Parſon thereof.* By vertue of theſe *Councels* (as I take it) were the *Founders* of Churches in *France* firſt compelled, to aſſure Liuinges to thoſe *Churches.* And it was alſo prouided by the third *Councell* of (*m*) *Tolledo* in *Spaine*, that no *Biſhop* might conſecrate any *Church*, till ſufficient maintenance (which (*n*) *Chryſoſtome* calleth the *Dowrie of the Bride*) were aſsigned to it.

But becauſe theſe were forraine, and *Prouinciall Councels*, not *Generall*: they bound not our Countrey, otherwiſe than by doctrine and example. Therefore, it was heere decreed afterwarde, to the ſame effect in

k Si quis in agro ſuo, aut habet, aut poſtulat habere diœceſin, primitias & terras ei deputet ſufficienter, & clericos: qui ibidem ſua officia impleant, ut ſacratis locis reuerentia cõdigna tribuatur. Aurelian. Con. cap. 22. in Con. Tom. 2. ubi nota quod diœceſis accipitur pro libertate condendi oratoria vel Eccleſias, itaque in argumento hujus capituli oratorium exponitur.

i Tom. Concil. 1. ‡ Coloniam veſtitam. *m* Concil. Toler. 3. cap. 15. *n* Chryſoſt. Hom. 18. in Acta.

ſect in a (o) *Synode* at *London*, vnder *Anſelme* Arch-biſhop of *Canterburie*, ANNO DOMINI 1105. *H.* 1. 3. And though the Lawes of our Church began then firſt (as farre as I yet can finde) to conſtraine our Countrey-men to giue *Endowments* to the Churches that they builded: yet wee were taught before (by the Cuſtome & Example of our precedent Aunceſtors, as well, as by our *duetie*, out of the *word of God*) to doe the ſame, as appeareth by manie Preſidentes, whereof I will onelie alledge one, (but aboue others, that moſte famous) of ‡ *Ethelwulfus*, king of *Weſt-Saxonie*, who (in the yeere of our Lord 855.) as (p) *Ingulphus Saxo*, and (q) *Simeon Dumelmenſ.* report, by the aduiſe and agreement of all his *Biſhops* and *Nobilitie*, *Gaue*, not only the *tithe* of the *goods*, but the (r) *tenth* part of the *Lande* through his Kingdome for euer, to GOD and the *Churches*, free from all ſecular ſeruices, taxations, and impoſitions whatſoeuer. In which kinde of religious magnificence, as our ſucceeding Kinges haue alſo abounded: ſo haue they from (ſ) time to time, as well by Parliament Lawes, as by their Royall CHARTERS, confirmed theſe and other the Rightes of the CHVRCH: with many ſolemne (t) vowes, and

o Synod. London, ca. 16. Antiq. Britan. cap. 34

‡ alias Adulphus.

p Ingulf. in Hiſt. Croil.

q Sim. Dumelm. cita. Ant. Britan. cap. 27

r Decin am manſionem ubi minimum ſit.

ſ As appeareth in their ſeuerall Lawes, and namely 15 times in Edward 3. reigne.

t See the 25. Stat. of Edward 1. in Raſtals Abridgement tit. Confirmation 3.

and imprecations against *all* that shoulde euer attempt to violate the same. Therefore, if these things had not bene primarilie due vnto God, by the rule of his word, yet are they now *His*, and *separate* from vs, by the voluntary gift and dedication of our auncient Kinges and Predecessors: as was the (*u*) *tribute* of a third part of a shekell, which *Nehemiah* and the Iewes, out of their *free* bounty, couenanted yeerelie to giue vnto God, *for the seruice of His house.* For, as S. *Peter* saieth (*Act.* 5. 4.) to *Ananias*, *Whilest these thinges remained, they appertained vnto vs, and were in our owne power*: but nowe, when we haue not onely vowed them, but deliuered them ouer into the handes and possession of Almighty God (and that, not for superstitious & idle orders, but meerelie for the maintenance of his publike diuine worship, and the Ministers thereof) they are not nowe arbitrable, nor to bee reuoked by vs, to the detriment of the Church.

And Sententia lata super Chartas.

And Pupilla oculi par. 5. cap. 22.

(*u*) Neh. 10. 32.

6 Churches beeing erected and endowed, they and their liuings were (as I say) dedicated vnto God. First, by the solemne vowe and oblation of the Founders: then by the solemne act of the Bishop, who to *separate* these things from secular and pro-

Churches and their liuings dedicate to God.

phane

phane imployments, not onely ratified the vowe and oblation of the Patron or Founders: but *consecrated* also the Church it selfe: vsing therein great deuotion, manie blessinges, prayers, workes of charitie, and some Ceremonie, for sanctifying the same to diuine vses. Therefore also, haue the auncient (a) Councels added manie fearefull *curses* against all such as shoulde either violate it, or the Rights thereof.

This *consecration*, Maister (b) *Perkins* calleth a Dedication, but confesseth it to haue beene in vse in this maner, about the yeere of Christ 300. (which is within the time of the Primitiue Church) onely hee admitteth not, that it was then performed with *Ceremonie* and the signe of the *Crosse*, which heere I will not stand vpon, nor to shew the greater antiquity therof, (though I thinke it may well bee proued) For *Athanasius* being in those dayes accused by the *Arrians*, of ministring the Communion in a Church not *consecrated*, excused himselfe to haue done it vpon necessitie. And (c) *Theodoretus* reporteth, that *Constantine* (then likewise) commanded, *all those that were at the Councell of Tyrus, shoulde come to* (d) *Ælia; and that others should bee assembled from all partes, for* (e) *Consecration of the Churches,*

a See the 6. Syno. Rom. of 103. bish. (aboue 1000 yeeres since) wholly against violaters of Churches, and Church Rights. And see many other to this purpose, Burch. li. 11

b Demonst. Probl. tit. Tepl. Sect. 3 In epist. ad Cost. Imp.

c Histo. suæ li. 1. c. 30. & Soz. l. 1. c 25 Nice. li. 8. c. 50. Histor. Tripert. li. 3 fol. 331.

d Hierusalem.

e καθιερῶσαι, id est, Consecrare.

ches, builded by him. Which sheweth it to bee so notorious and generall an vse at that time, and to haue such vniuersall approbation, as it could not, but haue a roote also from elder ages, though there cannot bee manie presidentes found thereof, for that the Christians beeing then in persecution, might hardlie builde, or dedicate anie Churches, but were constrained to vse priuate houses, and solitarie places, for their assemblies. Yet, euen those *houses*, had (as it seemeth) some *consecration*, for they were commonly called, (*a*) *Ædes sacræ*, Holie houses, and haue left that name (to this daye) amongst vs, for our Churches, as a testimony of their sanctification, wherof I shall speake more anonne. (*b*) *Eusebius* also saieth: that *insomuch as the Holie houses and Temples of that time, Were thus Dedicated and Consecrated vnto* GOD, *the vniuersall* LORD *of all: therefore, they receiued His Name, and were called in Greeke,* κυριακὰ, (*in Latin*, Dominica) *The* LORDS *houses: Which name*, saieth hee, *was not imposed vpon them, by man: but by Himselfe onelie that is* LORD *of all.* Of this worde, κυριακὸν, commeth the *Saxon* worde, *Cyric*, or *Kyrk*: and (by adding a double aspiration to it) our vsuall worde, *Chyrch*, or *Church*,

(*a*) Euseb. in orat. de laudib. Const.

(*b*) Ibidem.

Church, as it were to put vs euer in minde, whose these *Houses* are: namelie, *the Lordes houses*: like that which *Iaakob*, Dedicating vnto GOD, called *Bethel*; that is, *The house of GOD*. Gen. 28. 22

But both Church and Church-liuings were thus solemnely deliuered into Gods possession: and therefore, all Ages, Councels, and Fathers (that euer I yet haue met with) account them holy and inuiolable thinges. And heereupon they are termed, *Patrimonium Christi*, *Dos Ecclesiæ*, *Dos sponsæ Christi*. and *Sacrata possessio*, or *Prædium sanctum*. For, *Euery thing that a man doeth separate vnto the Lord from the common vse, whether it be man, or beast, or* LAND OF HIS INHERITANCE, *it is* HOLY *to the Lord*, Lev. 27. 28. and in what sort I vnderstand the word *Holy*, I haue before declared. Chrysost. Hom. 18. in Act. Conc. Mogunt. cap. 7.

7 As then the Lawe of *Nature*, primarilie taught all Nations in the worlde to giue these thinges vnto GOD: so the verie same Lawe, also taught them that it was sacriledge and impietie to pull them backe againe: yea, the very Heathen, counted the thinges thus seuered vnto their gods, to be *Sancta & inuiolanda*. And Saint *Augustine* expoundeth, *Sanctum illud esse, quod violare nefas est*. It is execrable wic- Holy rights and Temples howe respected by Heathēs.

kedneſſe, to violate that that is holie. *Pha-*
Gen. 47. 22 *raoh* would not abridge the Prieſts of their dyet, or land: no not in the great famine. The very Barbarous Nations of the world, euen by the inſtinct of nature, abhorred this impietie. *Diodorus Siculus* noteth of the
Biblioth. hiſt. lib. 5. *Gaules*, that though they were a people aboue all others, moſt couetous of golde: yet hauing aboundance thereof, ſcattered in all partes of their Temples to the honour of their gods: none was founde ſo wicked among them, as to meddle with any of it. I coulde alledge a multitude of Heathen Stories to this purpoſe: But I will not weaue the wollen yearne of the *Gentiles*, into the fine linnen garmentes of the *Chriſtians*: I meane, I will not mingle prophane argumentes, in a diſcourſe of Chriſtian pietie: For the ſheepe that are of the folde of Chriſt, are tyed onely *to heare His*
Ioh. 10. 3. *voyce*, and to follow that, which if they doe not, they are thereby knowne to be *Goates*, and not of His folde.

How feareſull a thing it is to violate the Church.

8 The cauſe why I touched vpon this one Heathen example, is to aggrauate the manifolde ſinnes of vs Chriſtians, in this point: For if they that knewe not GOD, were ſo zelous of the glory of their idols: howe much more is it to our condemnation,

tion, if we that know Him, doe leſſe regard Him? If it goe hard with *Tyrus* and *Sydon* in the daye of Iudgement, that ſinned ignorantly: howe much harder will it bee with *Coraſin* and *Bethſaida*, that ſinne preſumptuouſly? Eſpecially, with *Capernaum*, that deſpiſeth her Lord God and Maiſter, *Ieſus Chriſt* himſelfe? What is to deſpiſe Him, if to robbe Him of His honour, be not to diſpiſe Him? Or, what is to robbe Him of honour, if to take from Him, the thinges giuen Him for maintenance thereof, bee not to robbe Him? Therefore, when the Children of *Iſraell*, with-holde their *tithes* and *offeringes* from the *Leuites*, Hee cryeth out in *Malachie* 3.8. that *Himſelfe was robbed and ſpoyled*: and was ſo highly offended therewith, that Hee curſed the whole Nation for it. And to make *this* ſinne appeare the more monſtrous, Hee conuinceth the offendors therein: not only to be violaters of His *Legall* ordinances: but euen of the verie Lawe of *Nature*, written in the heart of euery man: For, ſaieth Hee, *will any man ſpoyle his gods?* As if Hee woulde ſay, Can ſuch a man bee founde, as will, or dares, commit that ſinne, that all the Nations of the world, euen by the inſtinct of nature, account to bee ſo horrible and impious?

pious? *To ſpoyle his gods: what? his owne gods?* Some were found, that nowe and then aduentured, to ſpoyle the gods of other Nations (yet not without puniſhment) but fewe, or none that I reade of, (till theſe latter dayes) that ſpoyled their owne gods, in apparent and *ouert* maner, as the Lawyers terme it. I compt it not ouert and apparent, when we doe as *Ananias* and *Saphira* did, pinch and detract from GOD ſomewhat of that wee vowed to giue: Nor, when we doe as the Children of *Iſraell* heere did, with-holde that which wee ought to paye out of our owne goods (yet both theſe were heinous ſinners, and dreadfullie puniſhed.) But I call it ouert and apparent, when wee throwe our ſelues into a more dangerous ſinne, by inuading openlie the deuotions of other men, and taking that from GOD, and from His Church, (as *Athalia* did) which we neuer gaue vnto it, euen the landes and liuinges thereof: yea, the Churches themſelues.

2. Chro. 24 verſe 7.

8 Doubtleſſe wee haue much to feare in this point: For as it is a tranſcendent ſinne, ſo DAVID labouring to match it with a tranſcendent puniſhment, beſtoweth a whole Pſalme (*viz.* the ‡ 83.) in inueying particularlie againſt theſe kinde of ſinners:

Dauids zeale for the Houſe of GOD.

‡ This Pſal. is alledged to this purpoſe by Lucius (who

sinners: such (expresselie) as *Woulde take to themselues the houses of GOD in possession*, for that onlie is the verie *center* of the *Psalme*, and therein doe all the lines & projections of the *Prophets* inuectiues, concurre. First, hee maketh a flatte opposition betweene GOD and them: and therefore calleth them his enemies. Then, hee describeth the nature of these kind of enemies: namelie, that they are *murmuring* enemies, as grudging, and enuying, at the prosperitie of the Church: *Malicious* enemies, as hating, or hurting, the seruice of GOD: *Proude* enemies, as *lifting vp their heads against GOD*, verse 2. *Craftie* enemies, as imagining howe to beguile the CHVRCH: *Conspiring* enemies, as taking *Counsell* together against GODS *secret ones*, (as the Prophet calleth them) that is, GODS seruantes and Ministers, verse 3. And lastly, *Confederate* enemies, as combining themselues one by example of another, to persceuer in their course of wronging and violating the CHVRCH, verse 5. Yet, for all this: those against whome the Prophet thus enueigheth, did not that they desired. They discouered their malicious purpose by worde of mouth, saying: *Let vs take to our selues the houses of GOD in possession.* But

was martyred about An. Christ. 255.) in his epist. to the Bish. of Gallia & Spain. Tom. Concil. 1.

they onelie saide it, they did it not. Their will was good, but their power failed. Our will and power haue both preuailed: for wee haue gotten the *houses of God into our possessions*: His Churches, His landes, His offerinnges, His holy rightes. We haue gotten them, and led them away captiue, bounde in chaines of yron: that is so conueied and assured vnto vs, by Deede, by Fine, by Act of Parliament, as if they neuer shoulde returne againe vnto the Church. But heare what *Dauid* saieth to those of his time. Marke howe hee prayeth for them. Marke what strange exquisite punishments he designeth to them: and that in as many seuerall sortes, as there are seuerall branches in this kinde of sinne.

First, he prayeth, that God would deale with them, as He did with the *Madianites*: (verse 9.) That is, that as *Gedeon* by Trumpets and Lampes, strooke such a terrour in the night time, into the heartes of the *Madianites*: that the whole armie fell into confusion, drewe their swordes one vpon another, were discomfited, & an hundreth and twentie thousand of them slaine. So that God, by His Trumpets, the Preachers of His word, by His Lampes, which is, the light of the Gospel, woulde confounde in like

like maner, the enemies and ſpoylers of His Church, that ſleepe in the night of their ſinne: And that He would make them like *Oreb*, and *Zeb*, like *Zeba*, and *Salmana*, (verſe 11.) All which were ſtrangely ouerthrowne, died violent deathes, and beeing glorious Princes of their Nations, became like the filthie and loathſome, *Dung of the earth*, verſe 10. And *Iudges* 7.25. and.8.21.

But doeth the Prophet ſtaye heere? no, hee goeth on with them, *O my God*, (ſaieth hee) *make them like a wheele*, verſe 13. That is, wauering, and vnſtable in their actions: ſo as they may neuer bring their purpoſes to an ende. Yea, make them abiect & contemptible, *Like the chaffe, that the Winde ſcattereth from the face of the earth*, verſe 13. Well, is hee now ſatisfied? no, All this doth but whette his ſpirites, to ſharper imprecations. Hee nowe deſireth, That the verie flood-gates of Gods wrath may bee broken open vpon them, and that the tempeſt of His indignatiō may rage at full againſt them: now hee cryeth out to God, to conſume them without mercy, yea, and that in two terrible maners: One naturallie, *As the fire burneth vp the wood*: The other miraculouſlie, *As the flame conſumeth the mountaines*, verſe 14. *Perſecute them euen ſo*, (ſaieth hee)

hee) *with Thy tempest, and make them affraide With Thy storme. Make their faces ashamed, O LORD, that they may seeke Thy Name. Let them bee confounded and vexed euer more and more: Let them bee put to shame, and perish*, verse 15. 16. 17. Howe shoulde the wit of man discouer and prosecute a sinne in more vehement and horrible maner? Or, what shall make vs to abstaine from such haughtie sinnes? if all this preuaile not. Well, if to take the houses of GOD *into possession* bee thus, take them that will for mee.

The zeale of our Sauiour to the house of God. And of the partes of the Temple.

9 You see howe DAVID in this his sacred fury, was admirably carried against this sinne. Well, therefore, might hee saye, *The zeale of Thine House hath eaten mee vp, Psalme 69. 9.* Yet, hee spake it not of himselfe alone, but in the person also of our SAVIOVR IESVS CHRIST, who in prosecution of DAVIDS zeale, did that in this case, that He neuer did at anie time els in all His life: in all other cases He shewed Himselfe like the Paschall Lambe, that euerie bodie did eate and deuoure at pleasure, and like the sheepe that was dumbe before the shearer, euen when His verie life was taken from Him. But when Hee sawe the golden Fleece to bee taken from the

House

House of GOD, that is, when hee saw the CHVRCH, His beloued *Spouse*, depriued and spoyled of the honour, reuerence, duetie, and ornament, that belonged to Her: Then, as DAVID did, Hee groweth into a sacred furie, Hee leaueth the mildnesse of the Paschal Lambe, and taketh vpon Him the fiercenesse of the Lion of IVDA. Then Hee beginneth to bestirre Him, and to laye about Him: Hee whippeth out them that prophaned it, driueth out their sheepe and their oxen, though they were for the sacrifice, and ouer-throweth the table of the money-changers. (*Mat.*21 12. *Mar.* 11.17. *Luke* 19.45. *Joh.* 2. 14.) Hee woulde by no meanes indure such trumperie to bee in His Fathers house, nor His Fathers house to bee made an house of Merchandise; but much lesse then, that merchandise shoulde bee made of His Fathers house it selfe. O fearefull and moste inhumane sinne! *horresco referens.*

But, ere I depart from this place of Scripture, let mee note one thing more out of it, for the greater reuerence of CHVRCHES. That, although our LORD bee heere saide to haue cast these thinges out of the Temple; yet, in trueth, they were not in the Temple it selfe, but in the outward

outward Court or yarde thereof: For within the inward partes of the Temple (namelie, the firſt, and ſecond Tabernacles) did no man enter, but the *Leuite Prieſts*: and of them alſo, none into the ſecond *Tabernacle*, but the High Prieſt. Therefore, although our Sauiour Chriſt, were a Prieſt for euer after the order of *Melchiſedeck*: yet becauſe He was not a *Prieſt of Leuie*, but of the Tribe of *Iuda*, (of which Tribe *Moſes ſpake nothing touching the Prieſthood, Heb.* 7. 14.) I take it, that (*a*) Hee neuer came within theſe partes of the Temple, nor where the *Sacrifice* was, but frequēted only (*b*) *Atrium populi*, the outward court from the Temple: For, into this onelie, the (*c*) people reſorted, to worſhippe, praye, and heare the worde of GOD expounded, not preaſſing further towardes the Temple: and in the middeſt whereof, the (*d*) braſen ſtage (which *Salomon* prayed vpon) was erected. Yet, this verie place, this court, or outward yarde, would not our Sauiour permit to be prophaned, neither with market matters, nor with carrying ſo much as a burthen

Num. 18. 5 Heb. 9. 2. 3 4. 5. &c.

a Chriſt came to fulfil the Law, and not to breake it. Therefore (doubtles) he obſerued the rules thereof, and the qualitie of his Tribe

b See the forme of the Temple in Arias Montan. Antiq. Iudaicar. li. Ariel. and in the Geneua Bible, 1 Kin. cap. 6. and marke well both it, and the Notes vpon it, for I finde them (aboue others) moſte agreeable to the Scriptures, and relie not vpon the figure of the Temple in Adricomius, without good examination, for I perceiue hee hath miſplaced ſomethinges therein.

c See the note (*a*) among the notes afore-ſaide.

d 2. Chron. 6. 13.

or veſſell

or veſſell through it, *Mark.* 11. 16. For though it were not ſo *Leuiticallie* holie, as the Temple: yet it was dedicated to GOD, with the Temple: And taken often in the Newe Teſtament for the Temple: as in the places before alleadged: And *Actes* 3. 2. 3. By which reaſon the verie Church-yardes themſelues (beeing Dedicated with the Churches, and the principall ſoile thereof: as an olde Statute witneſſeth) ſeeme alſo to haue in them a certaine kinde of *Sanctification*: and are not therefore to bee abuſed to ſecular and baſe emploimentes: as not onelie the Ancient Fathers, by the Canons of the Church: but the preſent lawes of the Lande, haue well prouided for them.

Stat. Ne Rectores proſternant arbores in Cimiterio.

10 But ſome will ſay, that the *ſanctification* of the Temple was *Leuitical*, and therefore aboliſhed, and not to bee applied to our Churches. I anſwere: The Temple was ſanctified vnto *three functions*, which alſo had *three* ſeuerall places, aſsigned to them. The *firſt*, belonged to the *Diuine preſence*, and had the cuſtodie of the *Holieſt types* thereof: the *Oracle*, the *Arke*, the *Mercie ſeate*, &c. and was therefore called *Sanctum Sanctorum*, or the *Holieſt of all*. The *ſecond*, was for *ceremoniall worſhip*, and *attonements*:

More of that matter: & howe far the ſanctificatiō of the Temple is aboliſhed: or remaineth to our Churches.

ment: namelie, by ſacrifice, oblations, and other *Leuitical* rites: the place therof being the *Sanctuarie*, (wherein were the *Holie veſſels*) and the Court of the Prieſtes, wherein the Altar of burnt-ſacrifice did ſtand. The *third*, was for ſimple worſhip, prayer, and doctrine, (without any pompe or ceremonie:) and the place of this was the *outward Court*, (called *Atrium populi*. 1. *Chronic*. 4. 9. and 6. 12. and *Salomons portch*, *Act*. 31. 1.) which therfore had in it no *Ceremoniall* implement at all.

The *two* firſt of theſe functions, with the places belonging to them, were indeede particularlie appropriate to the Lawe: For, they were *Ceremoniall*, *Myſticall*, *Secrete*, *Leuiticall*, *Iudaicall*, and *Temporall Ceremoniall*, as celebrated with much worldlie pompe. *Myſticall*, as figurating ſome Spirituall thinges. *Secrete*, as either performed behinde the Vaile or Curtaine: or elſe, ſequeſtred and remote from the people. *Leuiticall*, as committed onelie to the Adminiſtration of that TRIBE. *Iudaicall*, as ordained onelie for the Saluation of that people. And *Temporall*, as inſtituted onelie for a ſeaſon, and not to continue. But the *Sanctification*, of the thirde *function*, and of the place thereto appointed: was

ted: was directlie contrarie in all the pointes alledged to the former two. *First* (as I saide before) it was for *simple Worshippe*, *Prayer*, and *Doctrine*, which were there to bee performed and deliuered in all *sinceritie*, without anie *Ceremonie*, or *Ceremoniall* implement vsed therein. *Secondlie*, there was no matter of *Mysterie* therein to bee seene: but whatsoeuer was *Mysticall* in the Lawe, or the Prophets, was there expounded. *Thirdlie*, nothing there was hidden or secrete from the people, but acted whollie without the *Vaile*, and publikelie for euerie man. *Fourthlie*, it was not appropriate to the *Leuites*, but common alike to all the TRIBES. *Fiftlie*, not ordained for the *Iewes* particularlie, but for all Nations in generall. And *lastlie*, not to endure for a time, as those other two of the Lawe) but to continue for euer: euen after the *Gentiles* were called, as well as the *Iewes*: that is, during the time of the Gospell, as well as the Lawe. Therefore, saieth GOD, by *Isaias* the Prophet, Chapt. *56.7.* *Mine house shall bee called an house of Prayer, to all Nations.* Hee saide not, an *House of sacrifice to all Nations*: for the *Sacrifice* ended, before the calling of the *Gentiles*, and so they could haue na part there-

thereof: Nor an *House of prayer* for the *Iewes* onelie, for then had the *Gentiles* (when they were called) beene likewiſe excluded: But an *House of prayer to all Nations*, that is, *Iewes* and *Gentiles* indifferently: which therefore, muſt haue relation to the times of the Goſpell. And conſequentlie, the *ſanctification* of that houſe, and of that *function*, is alſo a *ſanctification* of the Churches of the Goſpell.

Wee reade not therefore, that Chriſt reformed anie thing in the other two functions of the *Temple*: for they were now, as at an ende. But becauſe this third function was for euer to continue to His Church: therefore Hee purgeth it of that, that prophaned it, reſtoreth it (as He did Mariage) to the originall ſanctitie: And that the future world (which was the time of the Goſpel) might better obſerue it, than the preeedent and time of the law had done, He reporteth, & confirmeth the *decree*, whereby it was ſanctified, *It is Written*, ſaieth hee, (as producing the recorde and wordes of the foundation) *Mine houſe ſhall be called an houſe of prayer to all people*. Hee ſaieth, *Mine houſe*, as excluding all other, from hauing anie propertie therein: for, GOD will bee Ioint-tenant with no man. And it ſhall be,

An

An house of prayer for all people: that is, publike for euer, not priuate, nor appropriate to anie: nor *a dēne of thieues*, that is, no place of Merchandiſe, or ſecular buſineſſe, as S. *Ieromc* expoundeth it. It muſt not bee an Impropriation, no man can, or may, holde it in that kinde.

The time alſo, when our Sauiour pronounced theſe words, is much to the purpoſe, as it ſeemeth to mee: For it was after He had turned out the oxen & doues, that is, the thinges for the *Sacrifice*: As though He thereby taught vs, that when the *Sacrificiall* function of the Temple was ended: yet the *Sanctification* thereof to be an houſe of prayer, for euer remained.

11 This doctrine of our Sauiour is continued vnto vs by S. *Paul*: who, ſeeing the *Corinthians* to prophane the Church, with eating and drinking in it, though much good might follow thereby (being orderly done) as the encreaſing of amitie, and the reliefe of the poore: yet becauſe it was againſt the reuerence of the place, hee not onlie reproueth them for it, demanding if they had not houſes to eate and drinke in at home, but skearing them alſo, (by ſhewing the danger they were falling into) he ſpeaketh to them as with admiration, *De-*

Saint Paul maintaineth the reuerēce of the Church.

1. Cor. 11. 12

ſpiſe ye the Church of God? As if hee ſhould ſay, Is your religion nowe come vnto that? or, is that your religion, *To deſpiſe the place that God hath ſanctified vnto Himſelfe*, by making it, as S. *Ierome* ſaieth, *Triclinium epularum*; a banqueting-houſe? God wondered in *Malachie*, that any ſhould *ſpoyle their gods*: and the H. Ghoſt here wondreth, that any *ſhould deſpiſe the materiall Church*: for ſo ſaint *Ierome* expoindeth it: Thus both of Them wonder at one and the ſame thing, that anie man ſhoulde bee ſo irreligious, as to prophane the reuerence due vnto GOD, and that that is His.

Coment. in 1. Cor. 11

12 So preciſe, therefore, were the Auncient fathers in this point, that, that meeke Saint of God, S. *Auguſtine*, woulde by no meanes endure, that anie ſhoulde vſe clamours, or dancing, within the *veras* of the Church: Yea, he termeth them, *miſerable & wretched men, that did it*: and denounceth againſt them, that, *if ſuch came Chriſtians to the Church, they went Pagans home*. But when the Church it ſelfe came to be abuſed! oh, how S. *Ambroſe* taketh it! euen againſt the Em. himſelf, great *Valentiniã*, that required it for an *Arriã*. O (ſaith he) *let him aske that is mine, my lands, my goods, & What ſoeuer I poſſeſſe, I Will not deny them, yet are they not mine, but belong to*

The zeale of ſome of the Fathers to the Church. Serm. de temp. tom. 10. 215.

Ad Marcellinam ſororem, epiſt. 33

long to the poore. Verum ea quæ diuina ſunt, &c. (ſaith he) *but thoſe things that are Gods, are not ſubiect to the authority of the Emp. If my land* (I ſay) *be deſired enter them a Gods name, If my bodie, I will carrie it him, If he will haue me to priſon, yea, vnto death, it pleaſeth me Well, I will not defende my ſelfe With multitude of people, neither will I flee to the Altar, deſiring my life, but With all mine heart Will die for the Altars.* And after, in ſpeaking of the impious ſouldiers, *O that God* (ſaith he) *would turne their handes from violating the Church, & then let them turne all their Weapons vpon me, & take their fill of my blood.* And many ſuch excellent ſpeaches he hath for the ſanctitie of the Church, and of the reuerence due vnto it, in his Oratiõ, *De Baſilicis tradendis.* In fine ejuſdem Epiſt.

My purpoſe is to bee ſhort, I will not therefore nowe enter any further into the authorities of the Fathers, or meddle with the Councels and ancient Canons of the Church which abound ſo in this kinde of zeale, and haue eſtabliſhed it (againſt the *Euſtathians, Meſſalians*, and *Fratricelli*, (a) heretickes, and all other the enemies thereof) with ſo manie examples, admonitions, exhortations, precepts, threatninges, curſes, and excommunications, as it requireth a booke alone to repeate them. (a) Heretickes which contemned Churches.

Sacriledge not to bee suffered in the leaſt things. Coment. in 2. Cor. 11. 22. to. 9. Eccl. 25.27

13 It ſeemeth a ſmall thing to dance in the Church-yard, or to eat & drinke in the Church: But *ſanctification* (ſaith *Ierome*, ſpeaking on this matter) *conſiſteth alſo euen in the ſmall things*. Therefore *Eccleſiaſt.* aduiſeth vs, that *wee giue not the water paſſage, no, not in a little*: For hee that openeth the waters but a little, knoweth not howe great a breach they will make at length: So is it to make an entrance into ſinne, or to breake the reuerence of holie things in trifles.

Therefore, God puniſhed ſeuerelie the verie pettie offenders in this kinde: not *Corah* onelie and his companie, that inuaded the high function of the Prieſthood: but euen him that gathered the ſtickes on the Sabbath day, *Num.* 15.34. and poore *Vzzah* himſelfe (whome *Dauid* ſo much lamented) that did, as it were, but *ſtaye the Arke* from ſhaking. 2. *Sam.* 6.6. and 1. *Chron.* 13.9. and yet died for it. becauſe his hand was not ſanctified to that purpoſe.

An admonition to them that meddle with holie things.

14 I conclude this point with the ſaying of *Salomon*, *Prou.* 20.25. (and let all men well cõſider it) *It is a ſnare for a man to deuour that which is ſanctified, and after the Vowes, to enquire.* A ſnare hath *three* properties: *Firſt* to catch ſuddenlie: *Secondlie*, to holde ſurelie: *Thirdlie*, to deſtroy certainly. So was *Vzzah* taken

taken ere he was aware: hee did but touch the *Arke*, and presentlie hee was catcht: King *VZZiah* did but meddle with the incense, and presentlie the *Leprosie was on his face*, 2. *Chron.* 26. 19, *Ieroboam* did but stretch out his hand against the Prophet and presentlie it *withered*, 1. *Kin.* 13. 4. And as a man falleth suddenlie into it, so it is as hard to get out. *Vzza* died in it presentlie. *VZZiah* languished in it all his life, and then died in it also, *Corah*, *Dathan*, and *Abiram* were no sooner caught in this snare, but it held them so surelie, as when all *Israell* else fled and escaped, they, and their companions, (most miserable men) were detained in it, to their notorious destruction.

I might heere take just occasion to remember what hath hapned to manie in this Kingdome, that became vnfortunate after they medled with Churches, and Church-liuinges: But I will runne into no particularities. Let those men, and those families, which are *vnfortunate*, (as wee terme them) cõsider, whether themselues, their Fathers, or some of their Ancestors, haue not bene fettered in this snare.

And let the *Proprietaries* of Parsonages also well consider these things: For, if *VZZa* died, that did but touch the *Arke* to

ſaue it: what ſhall become of them, that ſtretch out their handes againſt Churches to deſtroye them? If the *ſtick-gatherer* was ſtoned, for ſo ſmall a prophanation of the Sabbath, what ſhall they looke for, that by deſtroying the Churches, deſtroy alſo the Sabbath it ſelf, (in a maner) as taking away the place appointed to the publike ſanctification thereof. And if *Corah*, *Dathan*, and *Abiram*, offended ſo hainouſlie in medling with the thinges of the Leuiticall Prieſthood, though they employed them to the ſeruice of GOD: what haue they to feare, that vſurpe the things of the Goſpell, and peruert them wholly to their owne vſe, from the ſeruice of God? Yea, that pollute his Churches, and houſes of prayer, to ſeruile and baſe offices, leauing the Pariſhioners vncertainlie prouided of diuine ſeruice, to the deſtruction, both of the Prieſthood it ſelfe, and of the ſeruice of GOD in generall.

A ſurmiſe anſwered.

15 But they will cõfort themſelues with this, That though the Churches be ſanctified to ſome purpoſe, yet ỹ ſanctitie therof differeth from *Leuitical ſanctification*: & that God doth not now kill any from heauen, for prophaning the things of the Goſpell, as he did then, for prophaning the things of the

of the law. I answer: The sanctity indeed of the one differeth from the sanctity of the other: for the *Leviticall* things were sanctified by the hād of man, to be matter of *Ceremonie*: but the Churches of the Gospell, are sanctified by our Sauiour himself, to be houses of prayer: Not that prayer is to be vsed onelie in these places, but that these places are only to be vsed for prayer. And we must not presume that GOD sleepeth because he punisheth not (now as he did of old) the contemners of his worship: For as the law consisted in visible and temporall things, so the punishments therin, were for the most part visible & temporall: But the Gospel concerneth things inuisible & eternall, & therefore the punishments assigned therin, are for the most part, inuisible and eternall.

16 They haue also another comfort, & ȳ is, that thogh these things were once Spiritual, now they are made temporal by the lawes of *dissolution*, & especially, by the *stat. of* 32. *H.* 8. *ca.* 7. It is true, that those statutes apply diuers law termes vnto these things ȳ properly belōg to tēporall inheritāces: & that ȳ *stat. of* 32. *H.* 8. hath made them *demandable* by original Writs and hath giuen certain real actions, & other courses, for re-

Another surmise answered.

couering and conueying of them in Temporall courts: becauſe Lay-men could not in former times haue ſued for thinges of this nature in any court of the Kingdome. But this prooueth not the thinges themſelues to be therefore temporall: (no more than that an ENGLISH-MAN is a Frenchman, becauſe he ſayleth in a French bottome) For, vpon the ſame reaſon the Statute giueth alſo other actions (for recouering of *tithes* and *offerings* with-holden, &c) in the *Courts ſpirituall*. They then that out of the one part of the *Statute* will haue them temporall, are by the other part enforced to confeſſe them ſtill Spirituall, and ſo to make them like a Centaure, *prolem biformem*. It were verie hard (in mine vnderſtanding) to ground a point of ſo great conſequence, vpon ſubtiltie of words, and ambiguous implications, without an expreſſe letter of Lawe to that purpoſe, eſpeciallie, to make the Houſes & Offerings of God, *temporall* inheritances. But I ſee it is a Law queſtion in my lord (*a*) *Dier*, whether *tithes* be made Laye or Temporall, by any words in thoſe Statutes. And therefore, I muſt leaue this point to my Maiſters of Lawe, who haue the keye of this knowledge onlie in their owne cuſtodie. Yet I thinke I may

Differo, non aſſero.

a Term. Paſ. Ant. 7. Edward 6. Aſsiſe, fol. 83. b.

may be ſo bold, as to ſay thus much out of their owne (*b*) bookes, that *a Statute, directlie againſt the Lawe of God, is voyde.* If then, *Tithes* be *things ſpirituall*, and due *de jure diuino*, as manie great (*c*) Clarks, Doctors, Fathers, ſome Councels, and (that euer-honourable Iudge and oracle of Lawe) my lord *Coke* himſelfe, *in the ſeconde part of his* (*d*) *Reports*, affirme them to be: I cannot ſee howe humane Lawes ſhoulde make them *Temporall.* Of the ſame nature, therefore, that originallie they were of, of the ſame nature doe I ſtill holde them to continue: For, *manente ſubjecto, manet conſecratio, manet dedicatio, Time, Place*, and *Perſons*, doe not change them, as I take it, in this caſe. *e Nabuchodonozor* tooke the holie veſſels of the Temple, hee carried them to *Babylon*, hee kept them there all his life, and at laſt left them to his ſonne and grand-children: but all this while, the veſſels ſtill remained *holie*: Yea, though they were comne into the hands of thoſe that were not tied to the ceremonies of the lawe, and at length into the hands of them that had them by a lawfull ſucceſſion from their Fathers and Grand-fathers: yet as ſoone as they began to abuſe them to prophane vſes, that verie night *Balſhazzer* himſelfe died for it, the line

b Doct. & ſtud. cap. 6.

c See Aug. Serm. 219 de Temp. Hoſ. and moſte Canoniſts. Cõc. Mont. 2. cap. 50. Conc. Mogunt. ca. 38. alias 10. &c

d **Diſmes ſont choſes ſpirituel, & due** *de jure diuino. Le Euesq; de Winch. caſe. fol. 45*

e Neſcio quo fato fit, vt eodem temporis periodo (viz. ann. 68) poſt ereptas per Nabuc. & H. 8 res templor. ſtirps vtriſq. regia extincta ſit, imperium ſublatum, & ad aliam gentẽ deuolutum. Vlterius igi-

tur ſperemus. Cyrũ noſtrum Iacobum regẽ (qui ſceptra diſſidentia compeſcuit) reſtitutionis etiam munus aliquãdo aggreſſurum.

a A third ſurmiſe anſwered.

line of *Nabuchodonozor* (that tooke them from the Temple) was extinct, and the Kingdome tranſlated to another Nation, *Daniell*, Chap. 5. verſe 2.

17 Happilie alſo, (*a*) *Laye-approprietaries* comfort themſelues, that they may holde theſe things by exãple of Colleges, Deans and Chapters, Biſhops of the land, and of diuers of our late Kings & Princes. Before I ſpeake to this point, I take it by proteſtatiõ, that I haue no heart to make an Apologie for it: for I wiſh that euery mã might drinke the water of his own Well, eate the milke of his owne flocke, and liue by the fruit of his owne vine-yarde: I meane, that euery member might attract no other nutriment, but that which is proper to it ſelf. Yet are they greatly deceiued, ꝧ draw anie juice of encouragemẽt from theſe exãples: for all theſe are either ꝧ Seminaries of the Church, or the Husband-mẽ of ꝧ Church, or the Fathers and Nurſes of the Church, all *de familia Eccleſiæ*, and conſequently, belonging to the care of the Church, and ought therefore, to bee ſuſtained by it, for S. *Paul* ſaith, *He that prouideth not for his owne, and namely, for them of his houſe-hold, he denieth the faith, and is worſe than an infidel*, 1. *Tim* 5 8.

b All Church reuenewes were at firſt paid to Biſhops, & by them diſtributed to the prieſtes, poore, &c. after the Biſhops were to haue a 4. part of all tithes. Per conc. Aurel. Mog. Trib. Hanet. &c. Et per Con. Tarrac. the third part.

(*b*) Therefore, before the Statutes of *ſup-*

preſſion

preſſion of Abbies, thoſe that were not meerelie Eccleſiaſticall perſons, yet if they were *mixt*, or had Eccleſiaſticall juriſdiction, they might by the Lawes of the Lãd, participate Eccleſiaſtical liuings, & (c) *tithes* particularly. And this ſemeth to take ſome ground out of the word of GOD: For the prouinciall *Leuites* (as I may tearme them) whom (d) *Dauid* ſeuered from the Temple, and placed abroad in the Countrey to bee Rulers of the people, *in matters pertaining to God, and the Kinges buſineſſe*, (that is, *Spirituallie* and *Temporallie*:) had their portions of *tithes* notwithſtanding, as well as the other *Leuites* that miniſtred in the Temple. Nowe, that the King is (e) *Perſona mixta*, endowed as well with *Eccleſiaſticall* authoritie, as with *Temporall*; is not onely a ſolide Poſition of the Common law of the Land, but confirmed vnto vs by the continuall praćtiſe of our ancient Kinges, euer ſince, and before, the Conqueſt, euen in hotteſt times of Popiſh feruencie. For this cauſe at their Coronatiõs, they are not only crowned with the Diadem of the Kingdome, and girt with the ſword of Iuſtice, to ſignifie their *Temporall* authoritie, but are annointed alſo with the (f) *Oyle of Prieſthood*, and clothed *Stola Sacerdotali*, and *veſte Dalmatica*,

c P'owd. in Quar. imp. per Grend. L. Cok. Report. par. 5. fol. 15.

d 1. Chr. 26 30. and 32.

e See P'ow. in Quar. imp. per Grend. Et L. Cok. de Iure Regis Eccl. part.

f Reges ſacro oleo vncti, ſunt ſpirituales juriſdictionis capaces 33. Edw. 3. tit. Aide de Roy. 103. Ex D. Cokes Repo. par. 5

(*d*) *Dalmatica*, to demonstrate this their Ecclesiasticall jurisdiction, whereby the King is said in the Law to be *Supremus ordinarius*, and in regard thereof, amongst other Ecclesiasticall rights and Prerogatiues belonging vnto him, is to haue all the (*e*) *Tithes* (through the kingdome) in places that are out of anie parish, for some such there bee and namelie, diuers (*f*) Forrestes. But for all this, O! that his Majesty would be pleased to remember SYON in this point.

18 I growe too tedious, yet before I close vp this discourse, let me say one thing more to the *Approprietaries* of Churches, that happilie, they hitherto haue not dreamed of. And that is, That by hauing these Parsonages, they are charged with Cure of soules, and make themselues subject to the burthen that lieth so heauilie vpon the head of euery Minister: to see the seruice of God performed, the people instructed, & the poore relieued: for to these three ends, and the maintenance of Ministers, were Parsonages instituted, as not onlie the Canons of the Church, but the bookes of the Law, and particularly the Statutes of 15. *R.* 2. Chap. 6. and 4. *H.* 4. Chap. 12. doe manifestlie testifie. And no man may haue them but to these purposes, neither were they other-

d Dalmatica est vestis, qua modo utuntur omnes diaconi ex cõsuetudine in solẽnitatibus, ut 70. distin. de iejunio. Antiqu. tamen, sine concessione Papæ, nec Episco. nec Diacon. licebat uti hac veste. Distin. 23. cap. Omnis filius. *Prat.* e 22. Edw. 3. lib. Assi. pla. 75 *Lo.* Coke par. 5 fol. 15. a.

f As Inglewood, &c. ut patet an. 18. Edw. 1. inter petitiones coram dño Rege ad parliam.

The danger of proprietaries of parsonages stand in.

otherwiſe in the hands of Monaſticall perſons, nor otherwiſe giuen to the King by the Statute of Diſſolution, then (*a*) *in as large and ample maner, as the gouernours of thoſe Religious houſes had them*, nor by him conueied otherwiſe to the ſubjects: For, *Nemo potest plus juris in alium trãsferre, quam ipſe habet: No man may grant a greater Right vnto another, than hee hath himſelfe.* And therefore, goe where they will, *tranſeunt cum onere*, they carrie their charge with them. Vpon theſe reaſons *Proprietaries* are ſtill ſaide to bee (*b*) Parſons of their Churches, and vpon the matter, are as the incumbents (*c*) thereof, and the Churches by reaſon of this their incumbencie are full, and not voyde: For otherwiſe, the (*d*) Biſhop might collate, or the King preſent a Clarke (as to other Churches) as it ſeemeth by the arguments of the Iudges in the caſe betweene *Grendon* and the Biſhoppe of *Lincolne*, in M. *Plowd. Comm.* where it is alſo ſhewed, that the incumbencie is a (*e*) ſpirituall function, and ought not to bee conferred vpon anie but

a See the extent of theſe words in *L.* Coke, pa. 2. fol. 49. And note alſo, ℈ Parſonages appropriate are not mẽtioned in ℈ Stat. of 27. H 8. and the word *tithes*, there ſeemeth to be meant of tithes belõging to ℈ bodies of the Monaſteries, not of parſonage tithes, *Ideo quare*, howe the King had them before the Stat. of 31. Regn. ſui.

b Parſon impersones.

c For the Monaſticall perſons and prioreſſes themſelues, that could not performe the diuine ſeruice, were notwithſtanding the Incumbentes of their Churches: and Lay Appropriataries claiming vnder their right, ought alſo to bee ſubject to the ſame burthens.

d See Dier, Trin. 36. H. 8. fol. 58. pl. 8.

e There is yet no expreſſe lawe made to take away the Biſhoppes juriſdictions ouer Churches appropriate, that I can find, *Ideo quare*, howe it extendeth.

ſpirituall

spirituall persons, and such as may themselues doe the diuine Seruice, and minister the Sacramentes. Therefore, *Dier*, L. Chiefe Iustice of the Com. Pleas there said, that *it was an horrible thing*, when these Appropriations were made to Prioresses and houses of Nunnes, because that (although they were religious persons,) yet they coulde not minister the Sacramentes and diuine seruice. Implying by this speach of his, that it was much more *horrible* for Lay-men to holde them, that neither coulde doe these holie rites, nor were so much as Spirituall persons, to giue them colour for holding of Spirituall thinges. Therefore, Serjant (*a*) *Rastal*, also termeth *it a Wicked thing*, complaining (in his time) that it continued so long, to the *hinderance* (he saith) *of Learning, the impouerishing of the Ministerie, and to the infamie of the Gospell, and professors thereof.*

• Termes of the Lawe, In verbo Appropriation.

My lord *Coke* also, in the second part of his *Reports*, saieth, that it is recorded in Historie, that there were (amongst other) two grieuous Persecutions, the one, vnder *Diocletian*, the other, vnder *Iulian*, named the *Apostata*. for it is recorded, that the (*b*) one of them intending to haue rooted out all the professors & Preachers of the worde of GOD, *Occidit omnes Presbyteros*. But this not-

Lenesque de Winch. case, fo. 44. b

b Dioc. est. vide Euseb. hist. eccl. li. 7. ca. 3, Nigeph: lib: 7 cap: 3

notwithstanding, Religion flourished: for, *Sanguis Martyrum est semen Ecclesiæ, The blood of the Martyres is the seede of the Church*, and this was a cruell & grieuous persecution: But the persecution vnder the (a) other was more grieuous and dangerous, *Quia* (as the Historie saieth) *ipse occidit Presbyterium: He destroyed the verie order of Priesthood:* for he robbed the Church, and spoiled spirituall persons of their reuenewes, and tooke all thinges from them whereof they shoulde liue. And vpon this, in short time, insued great ignorãce of true religion, and the seruice of GOD, and thereby great decaye of Christian profession: For none will applie themselues, or their sonnes, or anie other that they haue in charge, to the studie of Diuinitie, when after long and painful study they shal haue nothing wherupon to liue. Thus farre my Lord *Coke*.

(a) Iulian. vide Theod. histor. lib. 3. cap. 6: & Nicep. li. 10 cap: 5

I alleadge these Legall authorities, and leaue Diuinitie, because the *Appropriataries* of Parsonages (which shield themselues vnder the target of the law) may see ỹ opinion of ỹ great Lawyers of our own time & religion, & what ỹ bookes of ỹ law haue of this matter, to the end ỹ we shuld not hang our cõsciẽces vpõ so dãgerus a pin, nor put too great cõfidẽce in ỹ *equitie of lawes*, which we daylie

daylie fee, are full of imperfection, often amended, often altered, and often repealed. O, howe lamentable then is the case of a poore *Proprietarie*, that dying, thinketh of none other account, but of that touching his *Lay vocation*, and then comming before the judgement-seat of Almightie GOD, must answere also for this (*c*) *spirituall function*. First, why he medled with it, not being called vnto it. Then, why (*d*) medling with it) he did not the duetie that belonged vnto it, in seeing the Church carefullie serued, the Minister therof sufficientlie maintained, and the poore of the parish faithfullie receiued. This, I say, is the vse whereto Parsonages were giuen, and of this vse we had notice before we purchased them: and therefore, (not onelie by the lawes of GOD and the Church, but by the lawe of the Land, and the rules of the Chancerie, at this daye obserued in other cases) wee ought onlie to holde them to this vse, and none other.

19 (*e*) It is not then a worke of bounty and beneuolence, to restore these appro-

c It is said in my L. Dier in the case of a cõmon person, that the seruice of a cure is a spirituall administration, & cannot bee leased, and that the seruice is not issuing out of the parsonage, but annext vnto the parson. 36. H. 8. f. 58. b pla. 8.

d Proprietaries which haue Vicars endowed, think themselues thereby discharged: but though the Vicar be the parsons deputie to doe the diuine Seruice, yet a superior care thereof resteth still vpon the parson himselfe, and the surplusage of the profites belongeth to the poore, as appeareth by the whole bodie of Fathers, Doctors, Councels, &c.

e That it is not beneuolence, but duetie, to restore Church-liuinges.

priations

priations to the Church, but of duetie and neceſſitie ſo to doe. It is a worke of duetie to giue that *vnto God that is Gods*, *Matth.* 22. 2. And it is a worke of neceſsitie towardes the obtaining remiſsion of theſe ſinnes: For Sainct *Auguſtine* ſaieth, *Non remittetur peccatum, niſi reſtituatur ablatum cum reſtitui poteſt: The ſinne ſhall not bee forgiuen, Without reſtoring of that which is taken away, if it may be reſtored.* Ad Macedonium, Epiſt. 45. Tom. 2.

It is duetie, juſtice, and neceſsitie, to giue them backe vnto GOD: For if *Iudas* (who was the firſt preſident of this ſinne) were a thiefe, as the Holie GHOST tearmeth him, (*Ioh.* 12. 6.) for imbeaſiling that which was committed vnto him, for the maintenance of CHRIST, and His Diſciples, that is, of the Church: by the ſame reaſon, muſt it alſo bee thieuerie, to with-holde theſe thinges which were giuen for the maintenance of the Church, and Miniſters of Chriſt. And herein it is a degree aboue that ſinne of *Iudas*, as robberie is aboue theft: for *Iudas* onely detained the money (deliuered vnto him) cloſelie & ſecretly: but we, and our fathers, haue inuaded Church-liuings, and taken them (as it were, by aſſault) euen from the ſacred bodie and perſon of the Church.

It is a great ſinne to ſteale from our neighbour, much greater (euen ſacriledge) to ſteale from GOD. If it were ſo hainous a fact in *Ananias* to with-hold part of his owne goods, which hee pretended hee would giue vnto GOD, how much more is it in vs, preſumptuouſlie to reaue that from GOD, that others haue alreadie dedicated & deliuered vnto Him. SALOMON ſaieth, (*Proverb.* 28.24.) *Hee that robbeth his father and his mother, and ſaieth, it is no ſinne, is the companion of* [a murtherer, or] *him that deſtroyeth.* But hee that purloyneth the thinges of GOD, robbeth his father: and hee that purloyneth the thinges of the Church, robbeth his mother: and therefore, that man is a companion of the deſtroyer.

The (*a*) Fathers, the Doctors, manie great Councels, and ancient lawes of the Church, commaund, That thinges taken from the Church, ſhoulde bee reſtored: And the Church by her (*b*) Preachers and Miniſters continuallie entreateth, vrgeth, and requireth al men to do it. They therefore that do it not, they refuſe to heare the

(*a*) Synod. 5. Rom. 218. Epiſco. ann. 503. Conc. Val. an. 855 ca. 9. Conc. Rom. 100. Epiſco. ann. 1063. Con. Rom. 5. an. 1078. Con. Palent. ann. 1388. Con. Oxon. Gen. Angl. ann. 1222.

(*b*) A ſtrange change: the Iſraelites gaue their own goods ſo aboundantlie to the ſeruice of GOD, that Moſes was forced to reſtraine them by proclamation, (Exodus, Chapter 36. verſe 5.) But nowe nothing can moue vs to giue GOD that which is His alreadie.

Church:

Church: And then our Sauiour Christ, by His owne mouth, denounceth them (c) to be as Heathens and Publicans, that is, excommunicate and prophane persons, *If hee refuseth* (saieth our Sauiour) *to heare the Church also, let him bee vnto thee as a Heathen man, and a Publicane.* *Matth.* 18.17.

c Qui sub nomine fidelis, agunt opera infidelium Hieron. ibid.

It is a fearefull thing not to heare the (d) Church, but much more, not to heare Christ Himselfe, Christ hath giuen vs a perpetuall law and commandement, touching things belonging to GOD, *that we should giue them to GOD.* If we breake this law, wee breake a greater law than that of the *Medes*, and thē (e) *Persians*: and therefore marke what the holie Ghost concludeth vpon vs, *Euerie person that shall not heare this Prophet* [Christ Iesus] *shall bee destroyed out of the people,* *Act.* 3.23.

d We thinke the Church doeth not commaund it, till wee make a parliament law for it: but the lawe is made alreadie by CHRIST himselfe.

e Dan. 6 15

The Conclusion.

20 To conclude then, as the *Philistims* made haste to sende home the (f) Arke of GOD, and the *Ægyptians* to ridde themselues of the (g) people of GOD, so let vs plie our selus to render vnto GOD His Landes and Possessions with all speed. Otherwise, as Hee strucke the *Philistims* with *Emrods* secretelie, and the *Ægyptians* with manifolde scourges openlie, so onely

f 1. Sam. 5. 11.

g Exo. 12. 31

himselfe knoweth, what Hee hath determined against vs.

Cypri. Ser. 5. de lapsis, in fine.

And thus I ende, with the saying of the blessed Saint *Cyprian*, *Nec teneri jam, nec amari Patrimonium debet, quo quis & deceptus, & victus est: Wee must nowe, neither holde that Patrimonie, or Liuing, (no) nor so much as take pleasure therein) whereby a man is intrapped and brought to destruction.* And with that other of the Noble Saint *Augustine*, *With what face canst thou expect an inheritance from Christ in Heaue, that defraudest Christ in thine inheritance heere on earth?*

Lib. de Here. cit. per Isidor.

Therefore,

GIVE VNTO CÆSAR THE THINGS THAT ARE CÆSARS, AND VNTO GOD THE THINGS THAT ARE GODS.

Mar. 12. 17.

Ω

AN EPILOGUE.

PARDON me, good Reader, though I haue neither ſatisfied thee, nor my ſelfe, in this little diſcourſe. It is harde to bring a great veſſell into a ſmall creeke, an argument of manie heads & branches, of much weight, varietie, and difficultie, into a fewe pages. It may bee, thou thinkeſt the volume bigge enough, for the ſucceſſe that Bookes of this nature are like to haue. I reject not thy judgement, yet woulde I not haue others thereby diſcouraged, from purſuing this Cauſe: for, though PETER fiſhed all night, and got nothing, yet hee made a great draught (vnlooked for) in the morning. Hee that directed that nette, giuea bleſſing to all our labours. For mine owne part (if I catch but one fiſh) I ſhall thinke mine well beſtowed. Howſoeuer, it ſhall content mee, and I thanke GOD for it, that Hee hath girded mee with ſo much ſtrength as to ſtrike one ſtroke (though a weake one) in His battell, and to caſt one ſtone (though a ſmall one) againſt the aduerſaries of His Church.

Some will ſay, I haue vſed too much ſalt and vinegre, in this diſcourſe, and that I haue bent the great Artillerie of Gods judgementes, and threatninges, vpon a piece of too light importance. I would the cōſciences of men were ſuch, as oyle and butter might ſupple them. But I ſee they are, for the moſt part, ouer-growne with ſo hard a carnoſitie, as it requireth ſtrong and potent coraſiues, to make an

ntrance into them. A Preacher may ſhake them now and hen with a Sermon, as Paul did Felix: but when the thunder and lightning are ceaſed, they are (like Pharaoh) ſtill where they were. Yea, ſome haue *conſcientias cauteriatas*, as he Apoſtle tearmeth them, conſciences ſeared with an hot iron: ſo ſtupified, that dead Lazarus may bee raiſed, before they can bee mooued. But God knoweth the heart of man, and bringeth water out of the hard rocke: therfore though I haue ſpoken this (as beeing jealous of the Cauſe) yet in charitie I will hope better euen of the hardeſt of them. Onely, let no man thinke it a light ſinne, to keepe open the paſſage whereby the wilde Bore (of Barbariſme) entereth into the Lords Vine-yarde, and whereby God is depriued of the honour due to His Name.

Nowe, at the parting, it may bee, thou deſireſt to knowe what ſucceſſe this my labour had with the Gentle-man to whome I ſent it: In trueth, neither that I deſired, nor that which I promiſed vnto my ſelfe: For (ſo it pleaſed GOD) that euē the very day, the meſſenger brought it into Norf. the party died. Otherwiſe I well hoped, not to haue ſhot this arrowe in vaine. But becauſe it then miſſed the marke at which it was ſent (and many thought not fit to loſe it) I haue now let it flie again at randon, with ſome notes & alterations, as the differēce between priuate & publik things requireth: But ſtill deſiring that I might further haue ſhewed my minde in many paſſages thereof, (and particularlie touching tithes in Quoto, and ſuch Parſonages as haue Vicarages well endowed) which without making it almoſt a new worke, I coulde not doe: and therefore, reſting vpon thy courteous interpretation, I leaue it to thee (for this time) as it is.

A SER-

A SERMON OF S^t. AVGVSTINES, *Touching rendring of* TITHES.

¶ *The occaſion of this Sermon, or Homilie, was miniſtred vnto him by the time of the yeere, it being the* 12. *Sonday after* Trinitie, *that is, about the beginning of Harueſt. The Scripture that he fitteth vnto it, is the* 18. *of* Luk. *where the* Phariſee *boaſteth of his preciſe juſtice in payment of* Tithes. *It is the* 219. *Sermon,* DE TEMPORE: *extant in the tenth Tome of his Workes, and there intituled,*

DE REDDENDIS DECIMIS.

BY the Mercie of CHRIST (*moſte beloued Brethren:*) the dayes are nowe at hande, wherein we are to reape the fruites of the earth: And therefore, giuing thankes to God that beſtoweth them, let vs bee mindfull to offer, or rather, to render backe vnto Him, the

Decret. 16. Quæ. 1. cau. Decim. Where you may see a great part of this Sermon cited for Auguſtines.

Tithes thereof: For God, that vouchſafeth to giue vs the whole, vouchſafeth alſo to require backe againe the *tenth*, not for His owne, but for our benefite, doubtleſſe: for ſo hath Hee promiſed by His Prophet, ſaying, (a) *Bring all the Tithe into my barnes, that there may bee meate in mine houſe: and trie me, ſaieth the Lord, in this point, if I open not the windowes of Heauen vnto you, and giue you fruit without meaſure.* Loe, wee haue proued how *Tithes* are more profitable vnto vs, than to God. *O fooliſh men!* What hurt doth GOD command, that Hee ſhould not deſerue to be heard? For He ſaith thus, *The firſt fruites of thy threſhing-floore, and of thy Wine preſſe thou ſhalt not delay to offer vnto Me.* If it be a ſinne to delay the giuing, howe much worſe is it, not to giue at all? And againe, Hee ſaieth, *Honour thy Lord thy God with thy juſt labours, and offer vnto Him of the fruites of thy righteouſneſſe, that thy barnes may be filled with wheate, and thy preſſes abound with Wine.* Thou doeſt not this for *God-a-mercie*; that by and by ſhalt receiue it againe with manifolde increaſe. Perhaps, thou wilt aske, Who ſhall haue profite by that which GOD receiueth, to giue preſentlie backe againe? And alſo thou wilt aske, Who ſhall haue profit by that which is giuen to the poore?

« Mal. 3. 10

Exod. 22. 29

16. Quæ. 1. cap. decim.

Prov. 3. 9

If thou

If thou beleeueſt, thy ſelfe ſhall haue profite by it, but if thou doubteſt, then thou haſt loſt it.

Tithes (deare Brethren) are a *tribute* due vnto the *needie ſoules*: Giue, therefore, this *tribute* vnto the *poore*, offer this ſacrifice vnto the *Prieſtes*. If thou haſt no *Tithes* of earthlie fruites, yet whatſoeuer the husband-man hath, whatſoeuer Art ſuſtaineth thee, it is Gods, and He requires *Tithe*, out of whatſoeuer thou liueſt by, whether it be warfare, or traffik, or anie other trade, giue Him the *tithe*. Some things we muſt pay for the ground we liue on, and ſomething for the vſe of our life it ſelfe. Yeeld it, therfore, vnto Him (*O man!*) in regard of that which thou poſſeſſeſt: yeeld it, I ſay, vnto Him, becauſe He hath giuē thee thy birth: for thus ſaieth the Lord, *Euerie man ſhall giue the redemption of his ſoule, & there ſhal not be amongſt them anie diſeaſes, or miſhaps.* Beholde, thou haſt in the H. Scriptures, the *cautions* of the Lord, vpon which He hath promiſed thee, that if thou giue Him thy *tithe*, thou ſhalt not only receiue aboundance of fruits, but health alſo of body. *Thy barnes* (ſaieth Hee) *ſhall bee filled With Wheate, and thy preſſes ſhall abound with Wine, and there ſhall be in them, neither diſeaſes, nor miſhaps.* Seeing then, by payment

Exo. 30. 12

Prov. 3. 10

payment of Tithes, thou mayeſt gaine to thy ſelfe, both earthlie and Heauenlie rewardes: why doeſt thou defraude thy ſelfe of both theſe bleſſinges together? Heare, therefore, (*O thou Zealeleſſe mortalitie!*) thou knoweſt, that all thinges, that thou vſeſt, are the Lords, and canſt thou find in thine heart, to lende Him (that made all things) nothing backe of His owne? The LORD GOD needeth not anie thing, neither demandeth Hee a rewarde of thee, but honour: Hee vrgeth thee not to render anie thing that is thine, and not His. It pleaſeth Him to require the *firſt fruits*, and the Tithes of thy goods, and canſt thou denie them? (*O couetous wretch!*) What wouldeſt thou doe, if Hee tooke all the *nine* parts to Himſelfe, and left thee the *tenth* only? And this in trueth Hee doeth, when by withholding His bleſſing of raine, the drought maketh thy thirſtie Harueſt to wither away: And when thy fruite, and thy vineyarde, are ſtrucken with haile, or blaſted with froſt: where nowe is the plentie, that thou ſo couetouſlie didſt reckon vpon? the *nine* partes are taken from thee, becauſe thou wouldeſt not giue Him the *tenth*. That remaineth onelie, that thou refuſeſt to giue, though the LORD required it.

16. Qu. 1. cap. Decim.

red it. For this is a moſte juſt courſe, that the LORD holdeth, *If thou wilt not giue Him the tenth, Hee will turne thee to the tenth:* For it is written, ſaieth the LORD, *Inſomuch as the Tithe of your grounde, the firſt fruites of your Land, are with you: I haue ſeene it, but you thought to deceiue mee: hauocke and ſpoyle ſhall bee in your treaſurie, and in your houſes.* Thus thou ſhalt giue that to the vnmercifull Souldier, which thou wouldeſt not giue to the Prieſt. 16. Quæ. 1. cap. decim.

The LORD Almightie alſo ſaieth: *Turne vnto Mee, that I may open vnto you the windowes of Heauen, and that I may poure downe My bleſſing vpon you, and I will not deſtroy the fruite of your lande, neither ſhall the vines of your fielde* [or the trees of your orchardes] *wither away,* [or bee blaſted] *and all Nations ſhall ſaye, that you are a bleſſed people.* GOD is alwayes readie to giue His bleſſinges. But the peruerſeneſſe of man alwayes hindreth him: For he would haue GOD giue him all thinges, and hee will offer vnto GOD nothing, of that whereof himſelfe ſeemeth to bee the owner. (a) What if GOD ſhould ſaye, The man that I made, is mine, the ground that thou tilleſt is mine, the ſeed that thou ſoweſt, is mine, the cattell that thou wearieſt Mala. 3. 10

a This place is cited as out of Auguſtin. Cōc. Tribur. c. 13 ann. 895. & before that in Concil. Mogunt. pri. cap. 8. ann. 873.

rieſt in thy worke, are mine, the ſhowers, the raine, and the gentle windes are mine, the heate of the Sunne is mine, and ſince all the elementes, whereby thou liueſt, are mine, thou that lendeſt onelie thine hand, deſerueſt onelie the *tithe*, or *tenth* part? Yet, becauſe Almightie God doeth mercifullie feede vs, He beſtoweth vpon the labourer a moſt liberall reward for his paines, and reſeruing onely the *tenth* part vnto Himſelfe, hath forgiuen vs all the reſt.

Ingratefull and perfidious deceiuer! I ſpeake to thee in the word of the Lord. Beholde, the yeere is now ended: giue vnto the Lord (that giueth ỹ raine) his reward. Redeeme thy ſelfe, O man! whileſt thou liueſt. Redeeme thou thy ſelfe whileſt thou mayeſt. Redeeme thy ſelfe, I ſay, whileſt thou haſt wherewith in thine handes. Redeeme thy ſelfe, leſt if griedy death preuent thee, thou then loſe both life and rewarde together. Thou haſt no reaſon, to commit this matter ouer to thy wife, who happily will haue another husband: Neither haſt thou (O woman!) anie reaſon, to leaue this to thine husbande, for his minde is on another wife. It is in vaine, to tye thy parentes, or thy kinsfolke, to haue care hereof: no man after thy death, ſurelie ſhall redeeme thee,

becauſe

becauſe, in thy life, thou wouldeſt not redeeme thy ſelfe. Nowe then, caſt the burthen of *couetouſneſſe* from thy ſhoulders, deſpiſe that cruell *Ladie*, who preſsing thee downe with her intollerable yoake, ſuffereth thee not to receiue the yoake of CHRIST: For as the yoake of *couetouſneſſe* preſſeth men down vnto hell, ſo the yoake of CHRIST raiſeth men vp vnto Heauen: For, *tithes* are required as a debt, and hee that will not giue them, inuadeth another mans goods: And let him looke to it, for howe manie men ſoeuer die for hunger in the place where he liueth, (not paying his *tithes*) of the murthering of ſo many men ſhall hee appeare guiltie before the Tribunall Seate of the Eternall Iudge, becauſe hee kept that backe to his owne vſe, that was committed to him by the LORD for the *Poore*. 16. Qu. 1 cap. decim.

Hee therefore, that either deſireth to gaine a rewarde, or to (*a*) obtaine a remiſſion of his ſinnes, let him pay his *tithe*, & be careful to giue *almes* to the *poore*, out of the other *nine* partes: but ſo notwithſtanding that whatſoeuer remaineth ouer & aboue moderate dyet, & conuenient apparell, be not beſtowed in ryot and carnall pleaſure, but laide vp in the treaſurie of Heauen, by (*a*) promereri

way

way of *Almes* to the *poore*. For whatſoeuer God hath giuen vs more than wee haue neede of, Hee hath not giuen it vnto vs particularlie, but hath committed it ouer vnto vs to bee diſtributed vnto others: which if wee diſpoſe not accordinglie, wee ſpoyle and robbe them thereof. *Thus ſaith Saincte* AVGVSTINE.

ERASMVS, *in a generall cenſure of theſe Sermons,* DE TEMPORE, *noteth many of them not to be Saincte* Auguſtines: *ſo alſo doth Maiſter* Perkins, *and diuers other learned men, Who hauing examined them all particularlie, and with great aduiſement, rejecting thoſe that appeared to bee adulterate or ſuſpected, admit this notwithſtanding, as vndoubted. And although* Bellarmine *ſeemeth to make a litle queſtion of it, yet he concludeth it to bee, Without doubt an excellent worke: and either S.* Auguſtines *owne, or ſome other ancient Fathers. But Lee ſaieth, that many thinges are cited out of it, as out of* Auguſtine, in Decret. 16. q. 1. And to cleare the matter further, I finde that ſome partes hereof are alleadged vnder ỹ name of *Auguſt. in Conc. Tribur. cap.* 13. *ann.* 895. And 20. yeeres before that alſo, *in Conc. Mog.* 1. *ca.* 8. So that Antiquitie it ſelfe, and diuerſe Councels, accept it for *Auguſtines*.

Forte non eſt Auguſtini iſte ſermo tamen inſignis eſt ſine dubio & antiqui alicujus Patris, nam inde tanquam ex Auguſtino multa ſunt adſcripta in Decret. 16. quæ. 1. Bellarmin. lib. de Clericis, cap. 25.

I will

I will not recite a great diſcourſe to the effect of this Sermon amongſt the workes of *Auguſtine*, in the Treatiſe *De rectitudine Chriſtianæ religionis*, becauſe *Eraſmus* judgeth that Treatiſe not to be *Auguſtines*: Yet ſeemeth it likewiſe to be ſome excellēt mans, and of great antiquitie. But if thou wouldeſt heare more what *Auguſtine* ſaith vnthee of this matter, take this for a farewell, *Majores noſtri ideo, copiis omnibus abundabant, quia DEO decimas dabant, & Cæſari cenſum reddebant: modo autem quia deſceſſit deuotio Dei, acceſſit* indictio fiſci. *Noluimus pariri cum Deo decimas, modo autē totum tollitur.*

Homil. 48. ex lib. 50. Ham. tom. 10.

Hoc tollit FISCVS, *quod non accipit* CHRISTVS.

Ω